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BIRD BRAIN, INC. and

TARGET CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KRISTEN NICODEMUS,

Plaintiffs,

vs.

BIRD BRAIN, INC.; TARGET  
CORPORATION; and DOES 1 to 10,

Defendants.

) Case No.: 3:12-cv-04430-MMC

)  
) *Case Assigned To Hon. Maxine M. Chesney*  
) *Courtroom 7*

) **STIPULATION AND ORDER SETTING**  
) **ASIDE DEFAULT TAKEN AGAINST**  
) **DEFENDANT BIRD BRAIN, INC. [Doc. #16]**

) Complaint Filed: August 23, 2012

Plaintiff KRISTEN NICODEMUS and Defendant BIRD BRAIN, INC. (collectively, the  
“Parties”) by and through their respective counsel of record, hereby stipulate and jointly agree to  
the following:

1. Plaintiff withdraws her motion for entry of default, filed on October 11, 2012.  
[Doc. #15.]
2. The Parties request the Court set aside the default that has been taken against Bird  
Brain, Inc. on October 12, 2012 [Doc. #16];
2. Defendant Bird Brain, Inc. will file an answer within 10 days from the date of the  
Court’s approval of this stipulation and entry of order setting aside the October 12, 2012 default.

1 IT IS SO STIPULATED.

2 DATED: November 9, 2012

ANDRUS ANDERSON LP

3  
4 By: /s/ Lori Andrus

5 Lori Andrus

6 Attorneys for Plaintiff Kristen Nicodemus

7 DATED: November 9, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

8  
9 By: /s/ John P. Walovich

10 John P. Walovich

11 Attorneys for Defendants Bird Brain, Inc. and  
Target Corporation

12 Based upon the foregoing Stipulation, and good cause appearing, the Court hereby orders  
13 as follows:

14 1. The aforesaid Stipulation is approved by the Court.


15 2. Plaintiff's Motion for Entry of Default [Doc. # 15] is hereby deemed to be  
16 withdrawn.

17 3. The October 12, 2012, Entry of Default against Bird Brain, Inc. [Doc. #16] is  
18 hereby set aside in conformity with Rule 55(c) of the Federal Rules of Civil Procedure.

19 4. Bird Brain, Inc. shall answer Plaintiff's Complaint within 10 days of the date of  
20 entry of this Order upon the Court's docket.

21  
22 IT IS SO ORDERED.

23  
24 Dated: November 14, 2012

  
Judge of United States District Court